IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 11549 of 2007(Y)

OPMV.673/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
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PETITIONER:

THE ORIENTAL INSURANCE COMPANY LIMITED, KOTHAMANGALAM, NOW REPRESENTED BY ITS ASSISTANT MANAGER, REGIONAL OFFICE, METRO PALACE, KOCHI-18.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENTS:
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1. **THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MUVATTUPUZHA.**
2. **ELDHOSE E.J., S/O.JOY, EDATHOTTIYIL HOUSE, CHATTUPURA KARA, MANNAMKANDOM VILLAGE, IDUKKI DISTRICT.**
3. **SHABU, S/O.MADHAVAN, VADAKKEKARA HOUSE, MUTHIKADU AREA, CHATTUPURA KARA, MANNAMKANDOM VILLAGE, IDUKKI DISTRICT.**
4. **BABY CHACKO, PARAYIL HOUSE, RAJAKKAD P.O., IDUKKI DISTRICT.**

R3 BY ADV. SRI.ROY THOMAS
SRI.N.M.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.11549/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE AWARD DTD. 20/12/2005 IN OP(MV) 673 OF 2002 BEFORE THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE POLICY NO.9243/2001 DTD. 23/01/2001 IN RESPECT OF KLO 6890 JEEP.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) NO.11549 OF 2007 Y
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Dated this the 28th day of November, 2007

J U D G M E N T

Insurance company challenges Ext.P1 award. By judgment in WPC Nos. 11550 and 11673 /07, the learned Judge of this court had disposed of the writ petitions challenging the awards in OPMV Nos. 672/02 and 1081/04 disposed of along with OPMV 673/02, which is the subject matter of this writ petition. In the said judgment, the learned Judge did not interfere with the award, but clarified that it would be open to the insurance company to initiate appropriate proceedings to recover the amount from the owner of the vehicle, if they are legally entitled to.

Granting the same relief and without prejudice to the said right, this writ petition is also disposed of.

ANTONY DOMINIC, JUDGE

Rp